The Title of KINGS PROVED TO BE IVRE DEVINO.

AND ALSO

That our Royall Soveraign King

CHARLES the II is the Right and Lawful Heir to the Crown of *England*. And that the Life of his Father *Charles* the first was taken away unjustly, contrary to the Common Law, Statute Law, and all other Lawes of *England*.

Wherein is laid down several proofs both of Scripture and Law, clearly and plainly discovering, that there can be no Full and Free Parliament without a KING and House of LORDS.

By W. P. Esq:

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KINGS

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THE TITLE OF

KING CHARLES

Proved by LAVV.

1. Pet. 2. 17. *Fear God, Honour the King.*

KINGS are *Jure Divino*, by Divine Right to be obeyed, and not by violent force of Subjects to be resisted, although they act wickedly, *Prov.* 8. 15. *By me Kings Reign*, Dan. 2. 21. *He removeth Kings and setteth up Kings*, Prov. 16. 10. *A Divine sentence is in the lips of the King.* Prov. 21. 1. *The Kings Heart is in the hand of the Lord.* Job 34. 18. *Is it fit to say to a King thou art wicked, and to Princes, ye are ungodly*, Prov. 24. 21. *Fear thou the Lord and the King, and meddle not with them that are given to change.* Eccl. 8. 2. *I Counsel thee to keep the Kings Commandement*, Exod. 22.28. *Thou shalt not speak evil of thy Prince, nor detract the Magistrate.* 2. Pet. 2.17. *Fear God, Honour the King.* Eccles. 10. 20. *Curse not the King, no not in thy thought*, 1 Sam. 24. 6. *The Lord forbid that I should do this thing unto my Master the Lords anointed, to stretch forth my hand against him, seeing he is the Lords anointed.*

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From which premiſſes none unleſs thoſe who deny the Scripture, can deny theſe conſequences, that the *Jura regalia* of Kings, are holden of Heaven, and cannot for any cauſe eſcheat to their Subjects: that active obedience is to be yielded to the King as Supream, in *omnibus licitis*, in all things lawfull. But if God for the puniſhment of a Nation, ſhould ſet up a Tyrannical King, *Secundum voluntatem pravam non rationem rectam regentem*, Governing by his depraved will againſt reaſon, and commanding things contrary to the word of God, we muſt not by force of Arms Rebel againſt him; but rather then ſo (if not prevailing by Petition unto him, or eſcaping by flight from him patiently ſubject to the loſt of out lives and Eſtates, and in that caſe, *arma noſtra ſunt preces noſtræ, nec poſſimus, nec decemus aliter reſiſter*, our Prayers and tears ſhould fight, and not our ſwords: for who can lift up his hand againſt the Lord anointed, and be guiltleſs? this in Scripture we find practiced, by Gods people to *Pharaoh*, *Exod.* 5.1. and the ſame People to *Nebuchad-nezzar*, a Tyrant, were commanded to perform obedience, and to pray for him, though there was no wickedneſs almoſt which he was not guilty of, his ſucceſſor *Darius*, *Daniel* obeyed, and ſaid O King live for ever, *Dan.*6.21. for now no private perſon hath with *Ehud*, *Judg.* 3.31. Extraordinary commandment from God to kill Princes, nor no perſonal Warrant from God, as all ſuch perſons had who attempted any thing againſt the Life even of Tyrants, *nil ſine prudenti fecit ratione vetuſtas.*

2. The King hath His Title to the Crown, and to His Kingly Office and Power, and by way of truſt from the People, but by inherent Birth-right, immediately from God, nature and the Law, 1. *Reg. Ja.*1.*li.*7. 12. *Calvins* caſe.

3. The Law of Royal Goverment, is a Law Fundamental, 1. *Pars Juſt. fo.* 11.

4. The Kings Prerogative and the Subjects liberty are determined, and bounded by the Law: *Bracton*, *fo.*134. *Plowden*, *fo.*236. 237,

5. By Law no ſubjects can call their King in queſtion, to anſwer for his actions, be they good or bad, *Bracton*, *fo.* 5. 6. if any one hath cauſe of action againſt the King (becauſe there is no Writ runeth againſt him) his onely remedy is by ſupplication and Petition,

tion to the King, that ye would vouchsafe to correct and amend that which he hath done, which if he refuse to do, onely God is to revenge and punish him, which is punishment enough, no man ought to presume to dispute the Kings Actions, much lesse to rebell against him.

6. The King hath no superiour but the Almighty God; all His People are inferiour to him, he inferiour to none but God.

7. The King is *caput reipublicæ*, the head of the Commonwealth immediately under God. *Finch.* 81.

And therefore carrying Gods stamp and mark among men, and being as one may say a God upon earth, as God is a King in Heaven, in a similitudinary sort given him. (*Bracton, fo.* 5. *Cum sit dei vicarius, evidenter apparet ad similitudinem Jesu Christi, cujus vice gesseret in terris*) that is to say------

1. Divine perfection:	5. Perpetuity.
2. Infinitness.	6. Justice.
3. Majesty.	7. Truth.
4. Soveraignty and Power.	8. Omniscience.

1. Divine perfection in the King no imperfect thing can be thought, no folly, negligence, infamy, stain or corruption of blood can be adjudged in him; So *nullam tempus occurit regi.*

2. Infinitnesse, the King in a manner is every where, and present in all Coutts, and therefore it is that he cannot be non-suit, and that all Acts of Parliament that concern the King are geneal; and the Court must take notice without pleading them, for he is in all, and all have their part in him. *Fitz. Urb.* 21. *H.* 8. *Br. tit.* non-suit. 68.

3. Majesty, the King cannot take nor part from any thing, but by matter of record, and that is in respect of his Majesty, unlesse Chattle or the like; because, *deminimis non curat, lex*, 5. *Ed.* 4. 7. 4. *E.* 6. 31. 2 *H.* 4. 7.

4. Soveraignty and Power, all the Land is holden of the King, no action lyeth against him, for who can command the King, he may compel his Subjects to go out of the Realm to War, hath absolute Power over all; for by a clause of *non obstante*, he may dispense

dispense with a Statute, though the Statute say, such dispensation shall be meerly void. 7. E. 4. 17. 21. *Calvins* case.

Bracton, *Rex habet potestatem Jurisdictionem super omnes qui in regno suo sunt majorem quam sui Jurisdictionis, & potis ad nullam pertinent nisi ad regiam dignitatem, habet etiam coertionem, ut delinquentes puniat & coerceat*; And therefore ought to have the *Militia*.

5. Perpetuity, the King hath a perpetual succession, and never dieth, for in Law it is called the *demise* of the King, and there is no *Inter-regnum*, a gift to the King goeth to his Successors, though not named, for he is a Corporation of himself, and hath two capacities, (to wit) a natural body, in which he may inherit to any of his Ancestors, or purchase Lands to him, and the Heirs of his body, which he shall retain, although he be afterwards removed from his Royal Estate; and a body Politick, in which he may purchase to him and his Heirs Kings of *England*, or to him and his Successors, yet both bodies make but one individual body. *Plowden* 213. 233. 242. *li.* 7. 12.

6. Justice, the King can do no wrong, therefore cannot be a disseisor, he is all Justice, *veritas & justitia*, saith *Bracton*, *circa solium ejus*, they are the two supporters that do hold up his Crown, he is *medius rex*, *pater patriæ*, *sponsus regni qui per annulum* is espoused to his Realm at his Coronation, he is Gods Lieutenant, and is not able to do an unjust thing. 4. *E.* 4. 25. *Potentia injuria est impotentia naturæ*, his Ministers may offend, and therefore to be punished if the Laws are violated, but not he.

7. Truth the King shall never be stopped, Judgement finall in a Writ of right shall not conclude him. 18. *E.* 3. 38. 20. *E.* 3. *Fitz. Droit.* 15.

8. Omniscience, when the King licenceth expresly to *aliene* an *abbot*, &c. which is in *mortmain*, he needs not make any *non obstante* of the Statutes of *mortmain*, for it is apparant to be of the Law, and therefore shall not be intended *misconusant* of the Law, for *præsumitur rex habere omnia Jura in scrinio pectoris sui.* 2. *Just.* 99. and therefore ought to have a Negative voice in Parliament, for he is the Fountain of Justice from whence the Law floweth.

High

High Treaſon can be committed againſt none, but the King, neither is any thing High Treaſon, but what is declared ſo to be by the Statute. 25. *Ed.* 3. *c.* 21. to leavy War againſt the King, to compaſſe or imagine his death, or the death of his Queen, or of his Eldeſt Son, to counterfeit his mony, or his great Seal, to impriſon the King untill he agree to certain demands, to leavy War to alter Religion, or the Law, to remove Counſellours by Arms, or the King from his Counſellours, be they evil or good by arms, to ſeize the Kings Forts, Ports, Magazine of War, to depoſe the King, or to adhere to any State within or without the Kingdom, but the Kings Majeſty, is High Treaſon, for which the offender have Judgement.

Firſt, To be drawn to the gallows.

Secondly, There to be hanged by the neck, and cut down alive.

Thirdly, His intrals to be taken out of his belly, and he being alive to be burnt before him.

Fourthly, That his head ſhould be cut off.

Fifthly, That his body ſhould be cut in four parts.

Sixthly, That his head and his quarters ſhould be put where the King the Lord pleaſeth.

Poſt-ſcript.

READer, take notice that in many places of this Brief Collection of the Lawes of *England*, touching the power of Kings, and their juſt Prerogative, by the word *Parliament* is meant the *Rump*, who have unjuſtly taken to themſelves the name of Parliament contrary to the known Lawes of the Land, for there can be no full and free *Parliament* without a King and Houſe of Lords.

FINIS.